

SANILAC TOWNSHIP BOARD
REGULAR MEETING
Thursday, February 9, 2023
6:00 P.M.

OPENING OF MEETING:

Supervisor Kelly called the meeting to order at 6:03 P.M. followed by the Pledge of Allegiance.

ROLL CALL:

Members Present: Supervisor Dan Kelly, Trustee Jeff Lyall, Treasurer Dru Moran, and Clerk Suzanne Shagena.

Absent: Trustee William Noelke.

Guests Present: County Commissioner William Sarkella, Robert Dear, Greg Brown, Dan Finn, Doug Moran, George O'Connor, Janet O'Connor and Art Schlichting

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:

Motion by Shagena, seconded by Lyall, to approve the agenda as presented.
CARRIED.

CONSENT AGENDA:

- a. Board Minutes of 01/12/23
- b. Accounts Payable — General Fund and Water Operating Claims.
- c. Payroll for February 2023.
- d. Treasurer's Report
- e. Zoning Administrator's Report.
- f. Planning Commission Minutes – 02/02/23

Motion by Shagena, seconded by Moran, to approve the consent agenda. CARRIED.

Motion by Kelly, seconded by Lyall, to approve investing funds from the Sanilac Township Water Fund into two Certificates of Deposit, depositing \$230,000.00 into each C.D. with Independent Bank for a term of 52 weeks at a rate of 4.25% and further designating Dru Moran, Sanilac Township Treasurer, and Daniel Kelly, Sanilac Township Supervisor, as co-signers for the Independent Bank Certificates of Deposit.
CARRIED.

COUNTY COMMISSIONER'S UPDATE:

Commissioner Sarkella provided updates at the county level.

APPOINTMENTS:

Greg Brown appeared before the board to discuss property that he and his brother Andrew own located on Walker Road in Sanilac Township, property # 210-015-400-020-00. Upon receiving the 2022 winter tax bill for this parcel, it appeared that the

SANILAC TOWNSHIP BOARD
REGULAR MEETING
Thursday, February 9, 2023
6:00 P.M.

tax assessment for said parcel was changed, therefore doubling the tax bill. Mr. Brown stated that neither he or his brother received a Notice of Tax Assessment in March of 2022 which would have indicated this change; therefore, they would like the 2020 winter tax bill corrected. Supervisor Kelly informed Mr. Brown that the Township Board legally is not allowed to change a tax bill. The township would check to see if the March 2022 Notice of Tax Assessment was still in the system and if the printer could duplicate it. Supervisor Kelly further advised that the property owners would have to start the process of appealing it to the Board of Review.

CORRESPONDENCE:

None.

PUBLIC COMMENTS:

Dan Finn inquired on a Blight Ordinance for the Township and if it's a zoning or township ordinance.

The following reports were presented:

- *Water Operations Report – No formal report.*
The meter pit for Camp Ozanam has been ordered.
Ken Kingsley is reviewing the Townsend Road water line.
The township needs to plan ahead for future engineering services.
- *Fire Authority Report*
Special meeting held on January 25, 2023.
Approved grant application for DNR grant for \$1400.00
501 c 3 purchased new uniforms and requested reimbursement. Turned over to finance committee.
Uniforms to have SEFA patch #4.
Bids for repair work to utility truck. Awaiting additional bid and then will be turned over to finance committee.
Finance Committee meeting scheduled for February 17, 2023 at 9:00 A.M.
- *Assessor's Report – A land division request was presented for approval:*
 - a. Norman Hurren to split off 66 acres of an 80-acre parcel located at the north east corner of Washington and Ridge Roads.

Motion by Shagena, seconded by Moran, to approve the land division request for Norman Hurren, to split off 66 acres from the parcels 80 acres, property id number: 210-009-300-020-00, located on Washington Road east of Ridge Road in Sanilac Township. CARRIED.

SANILAC TOWNSHIP BOARD
REGULAR MEETING
Thursday, February 9, 2023
6:00 P.M.

Motion by Moran, seconded by Shagena, to approve the reports as presented.
CARRIED.

OLD BUSINESS:

The board reviewed the following draft of the township's Independent Contractor's Policy:

The Township of Sanilac requires that any and all Independent Contractors who will be performing work for the Township of Sanilac, shall, prior to the start of the work, complete and submit a Request for Taxpayer Identification Number and Certification (W9), and a Certificate of Liability Insurance listing the Township of Sanilac as an additional insured to the Township Clerk. Shall any work by an Independent Contractor require the Township of Sanilac to obtain a permit from a local agency and/or the Michigan Department of Transportation, said Independent Contractor must provide all names, addresses, plans and drawings to the Township of Sanilac.

NO WORK SHALL COMMENCE by the Independent Contract prior to the submittal of the following:

- Request for Taxpayer Identification Number and Certification (W9);
- Certificate of Liability Insurance listing the Township of Sanilac as an additional insured;
- All names, addresses, plans and drawings required by the Michigan Department of Transportation in order for the Township of Sanilac to obtain a permit with the Michigan Department of Transportation if applicable.

NO PAYMENT FOR SERVICES SHALL BE ISSUED by the Township of Sanilac without the following:

- Request for Taxpayer Identification Number and Certification (W9);
- Certificate of Liability Insurance listing the Township of Sanilac as an additional insured;
- All names, addresses, plans and drawings required by the Michigan Department of Transportation in order for the Township of Sanilac to obtain a permit with the Michigan Department of Transportation if applicable.

Updated Certificates of Liability Insurance must be provided to the Township on a yearly basis for auditing purposes.

Motion by Shagena, seconded by Moran, to approve Sanilac Township's Independent Contractor's Policy as presented. CARRIED.

SANILAC TOWNSHIP BOARD
REGULAR MEETING
Thursday, February 9, 2023
6:00 P.M.

NEW BUSINESS:

The board reviewed the following draft of the township's Water Theft and Tampering Policy:

Pursuant to MCL 328 of 1931, Section 750.282: Offenses against water, steam, electric, or gas companies, or propane gas dealers or distributors, and boards or municipalities owning or operating plants; misdemeanor; felony; civil action not impaired by criminal prosecution; presumption; prima facie evidence of violation.

Sec. 282.

(1) A person shall not do any of the following:

(a) Willfully or fraudulently injure, or fraudulently allow to be injured, a meter, wire, line, pipe, or appliance belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor.

(b) Willfully or fraudulently prevent a water, steam, electric, gas, or propane gas meter belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor from duly registering the quantity of water, steam, electric current, gas, or propane gas measured through the meter, or in any way hinder or interfere with the meter's proper action or just registration.

(c) Attach a line, wire, or pipe to a line, wire, pipe, or main belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor. This subdivision does not apply to the use of a ground wire to ground an electrical system.

(d) Willfully or fraudulently interfere with a pressure regulator device on a propane gas tank or incorporated into a propane gas system.

(e) Use or burn or cause to be used or burned any water, steam, electric current, gas, or propane gas supplied by a water, steam, electric, or gas company, or propane gas dealer or distributor, without the written consent of the company or the propane gas dealer or distributor, or the authorized agent or officer of the company or the propane gas dealer or distributor, unless the water, steam, electric current, gas, or propane gas passes through a meter or is measured by a meter set by the company or the propane gas dealer or distributor; fraudulently use the water, steam, electric current, gas, or propane gas, or fraudulently waste the water, steam, electric current, gas, or propane gas supplied by a water, steam, electric, or gas company, or propane gas dealer or distributor.

(2) A person who violates subsection (1) is guilty of a misdemeanor if the value of the water, steam, electric current, gas, or propane gas used, burned, or wasted, or the damage caused, as a result of the violation, is not more than \$500.00. A person who violates subsection (1) is guilty of a felony if the value of the water, steam, electric current, gas, or propane gas used, burned, or wasted, or the damage caused, as a result of the violation, is more than \$500.00.

SANILAC TOWNSHIP BOARD
REGULAR MEETING
Thursday, February 9, 2023
6:00 P.M.

(3) A criminal prosecution under this section shall not in any way impair the right of the company or the propane gas dealer or distributor to full compensation in damages by civil action.

(4) The provisions of this section shall extend and apply to all offenses against all water, steam, electric, or gas companies, or propane gas dealers or distributors, and boards or municipalities owning or operating plants for producing, manufacturing, furnishing, transmitting, or conducting water, steam, electricity, or gas, either natural, liquefied, or artificial.

(5) A person who attaches any line, wire, or pipe or any other device or process to any line, wire, or pipe of a water, steam, electric, or gas company, or propane gas dealer or distributor which interferes with the proper operation and just registration of a meter within the meaning of this section, or who interferes with a pressure regulator device on a propane gas tank or incorporated into a propane gas system, is presumed to do so with intent to avoid, or to enable another to avoid, payment for the service involved.

(6) In all prosecutions under this section, proof that the defendant, other than a lessor, had control of or occupied the premises where the offense was committed, or received the benefit of the water, steam, electric current, gas, or propane gas used or consumed, shall be prima facie evidence of a violation of this section.

POLICY

It is the policy of The Township of Sanilac to aggressively deter any person or entity from the theft of water, damage or tampering (including removing or altering meter locks) of water or other services. Sanilac Township intends to deter water thefts to minimize inequities to its rate payers, to prevent backflow resulting from hydrant theft and to do its part to address Homeland Security concerns. Through cooperation among Sanilac Township officials, The Village of Lexington water employees, customers, the community, regulators, first responders, law enforcement, prosecutors and others, the prevention of water theft can be reduced.

Measures to deter water theft or tampering will include the discontinuation of existing service, removal of existing service connections, promptly contacting law enforcement, demanding full payment of a new service charge for reinstatement of service, recording of property liens for unpaid bills and/or fines and any other action allowed by law.

The Township of Sanilac reminds customers that unauthorized water used includes the following and is considered a violation of the law referenced on page 1 of this policy:

- Opening valves at the meter that have been off or locked by Sanilac Township Officials or Village of Lexington water personnel
- Bypassing, removing, disabling or trying to adjust water meters
- Breaking, picking or damaging shut-off locks

SANILAC TOWNSHIP BOARD
REGULAR MEETING
Thursday, February 9, 2023
6:00 P.M.

- Connecting to or intentionally damaging water lines, valves or other equipment to receive water service that is not measured through a meter and/or is not being billed
- Using unmetered fire hydrants for construction, swimming pools filling, tanker truck filling, culvert cleaning or ANY other purpose apart from Village of Lexington water employees for maintenance purposes and fire department personnel for firefighting only.

If you are aware of any of these activities in your neighborhood, please report them to us at 810-622-8178 extensions 1, 2 or 3 (you can remain anonymous). If any of these situations pre-existed at your property and you were unaware that it is considered theft of service, please contact us so that we can help guide you through correcting the matter. The Township of Sanilac reminds customers that it follows the Michigan Department of Environment, Great Lakes, and Energy (EGLE); and the Michigan Public Service Commission's regulations for water utilities on performing water shutoffs and locking service where theft is suspected.

The safety of Sanilac Township Officials and the Village of Lexington Water employees is of the utmost importance. Aggressive, intimidating, or threatening behavior toward them as they are carrying out their duties will not be tolerated. They are authorized to immediately contact law enforcement.

When theft and tampering occur, all customers must pay the costs associated with lost water and replacing broken or stolen equipment. We will pursue charges against perpetrators to the fullest extent of the law.

Motion by Moran, seconded by Lyall, to approve Sanilac Township's Water Theft and Tampering Policy as presented. CARRIED.

The board reviewed the following draft of the township's Committee Appointment Policy:

For any open positions with the Township of Sanilac, that are filled by Township Board appointment, and not filled by appointment by the Township Supervisor, the Township shall use the following procedures for filling the position:

- I. Prepare a description of the vacant position along with a summary of duties and qualifications necessary for the position.
- II. Set a date and time in which all letters of interest and/or resumes shall be due.

SANILAC TOWNSHIP BOARD
REGULAR MEETING
Thursday, February 9, 2023
6:00 P.M.

- III. Post notification of the open position:
 - a) At the Sanilac Township Hall.
 - b) On the townships website.
 - c) Advertise in a local newspaper.

- IV. Upon collection of all letters of interests and/or resumes, all interested parties shall be notified of the date and time of the next Township Board Meeting wherein all interested parties shall be interviewed.

- V. After all interviews have been completed, each Township Board member shall vote by written ballot for one of the persons interviewed. Each Township Board member shall also sign said ballot.

- VI. The Township Clerk shall collect the ballots and read the results.

- VII. The person receiving the most votes, shall be by Board motion, appointed to fill the vacant position. In the event of a tie, the Township Board will hold another vote including only the individuals that tied. This vote will also be by written ballot with each Township Board member signing said ballot.

A Township Board Member may recuse themselves from voting where there may be a conflict of interest or a relationship with the interviewee that may be questioned.

Motion by Lyall, seconded by Kelly, to approve Sanilac Township's Committee Appointment Policy as presented. CARRIED.

The following General Fund Budget amendments were presented for board approval:

REVENUE

Increase:	101-000-450.003	Land Division Revenue	\$150.00
Increase:	101-000-664.000	Interest Income	\$5.00
Increase:	101-000-676.003	Reimbursements	\$27.54
Decrease:	101-000-676.004	Road Repair Reimbursement	\$(32.54)

EXPENDITURES

Increase:	101-111-703.001	Land Divisions	\$150.00
Decrease:	101-111-860.000	Mileage Reimbursement	\$(129.00)
Increase:	101-111-910.000	Township Insurance	\$129.00
Decrease	101-111-958.001	MTA Convention	\$(416.00)
Increase	101-257-800.001	Assessor Services	\$416.00
Increase	101-262-702.000	Election Wages	\$31.00

SANILAC TOWNSHIP BOARD
REGULAR MEETING
Thursday, February 9, 2023
6:00 P.M.

Decrease	101-262-715.000	Social Security/Medicare	\$(21.51)
Decrease	101-262-751.000	Election Supplies	\$(9.49)

Motion by Kelly, seconded by Moran, to approve the General Fund Budget amendments. CARRIED

Supervisor Kelly reported that a response letter to the Clerk of the Village of Port Sanilac's correspondence regarding clarification on the townships Fire and Emergency Services Millage has read submitted.

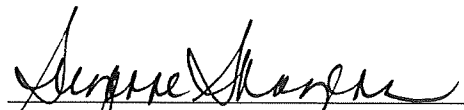
Motion by Kelly, seconded by Lyall, to enter into closed session at 7:15 P.M., for the purpose of reviewing water contracts. ROLL CALL: SHAGENA; yes, MORAN; yes, LYALL; yes, KELLY; yes. CARRIED.

Motion by Kelly, seconded by Shagena, to come out of closed session at 8:00 P.M. CARRIED.

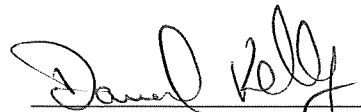
OTHER:

None.

Motion by Kelly, seconded by Moran, to adjourn the meeting at 8:00 P.M. CARRIED.



Suzanne Shagena, Township Clerk



Dan Kelly, Township Supervisor